

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 99-059

NPDES PERMIT NO. CAS0029921

REISSUING WASTE DISCHARGE REQUIREMENTS FOR:

CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) OF SAN MATEO COUNTY, SAN MATEO COUNTY, TOWN OF ATHERTON, CITY OF BELMONT, CITY OF BRISBANE, CITY OF BURLINGAME, TOWN OF COLMA, CITY OF DALY CITY, CITY OF EAST PALO ALTO, CITY OF FOSTER CITY, CITY OF HALF MOON BAY, TOWN OF HILLSBOROUGH, CITY OF MENLO PARK, CITY OF MILLBRAE, CITY OF PACIFICA, TOWN OF PORTOLA VALLEY, CITY OF REDWOOD CITY, CITY OF SAN BRUNO, CITY OF SAN CARLOS, CITY OF SAN MATEO, CITY OF SOUTH SAN FRANCISCO, AND THE TOWN OF WOODSIDE, which have joined together to form the SAN MATEO COUNTYWIDE STORMWATER POLLUTION PREVENTION PROGRAM

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter referred to as the Regional Board) finds that:

1. City County Association of Governments of San Mateo County, San Mateo County, and the 20 cities and towns in the County, which include the Town of Atherton, City of Belmont, City of Brisbane, City of Burlingame, Town of Colma, City of Daly City, City of East Palo Alto, City of Foster City, City of Half Moon Bay, Town of Hillsborough, City of Menlo Park, City of Millbrae, City of Pacifica, Town of Portola Valley, City of Redwood City, City of San Bruno, City of San Carlos, City of San Mateo, City of South San Francisco, and the Town of Woodside (hereinafter Dischargers) have joined together to form the San Mateo Countywide Stormwater Pollution Prevention Program (hereinafter STOPPP). STOPPP submitted an NPDES permit application package for re-issuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) to discharge stormwater runoff from storm drains and watercourses that its members own and/or operate.
2. The Dischargers each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses that they own and/or operate in San Mateo County. The discharge consists of the surface runoff generated from various land uses in all the hydrologic sub-basins which discharge into water courses which in turn flow into South and Lower San Francisco Bay from the east side of the county or the Pacific Ocean from the west side. The quality and quantify of these discharges varies considerably and is affected by hydrology, geology, land use, season, and sequence and duration of hydrologic events. Pollutants of concern in these discharges are certain heavy metals, excessive sediment production due to anthropogenic activities, petroleum hydrocarbons from

sources such as used motor oil, microbial pathogens of domestic sewage and from illicit discharges, certain pesticides associated with the risk of acute aquatic toxicity, excessive nutrient loads which cause or contribute to the depletion of dissolved oxygen and/or toxic concentrations of dissolved ammonia, and other pollutants that may cause aquatic toxicity in the receiving water.

3. The total population of San Mateo County is approximately 715,000 according to an estimate prepared by the California Department of Finance. San Mateo County encompasses approximately 445 square miles of land on a peninsula bordering San Francisco Bay on the east and the Pacific Ocean on the west. Named east side drainage basins include: Canada de Guadalupe, Colma Creek, San Bruno Creek, Mills Creek, Sanchez Creek, San Mateo Creek, Pulgas Creek, Laurel Creek, Belmont Creek, Cordilleras Creek, Redwood Creek, and San Francisquito Creeks. There are also three lagoons on the east side of San Mateo County which receive stormwater runoff: San Mateo, Foster City, and Redwood City. The major west side drainage basins include San Pedro, Pilarcitos, Purisima, Tunitas, Pomponio, San Gregorio, and Pescadero Creeks.
4. Section 402(p) of the federal Clean Water Act (CWA) requires NPDES permits for stormwater discharges from separate municipal storm drain systems, stormwater discharges associated with industrial activity (including construction activities), and designated stormwater discharges that are considered significant contributors of pollutants to waters of the United States. On November 16, 1990, the United States Environmental Protection Agency (hereinafter US EPA) published regulations (40 CFR Part 122) which prescribe permit application requirements for municipal separate storm drain systems pursuant to Section 402(p) of the CWA.
5. The application requirements that the Regional Board has determined to be applicable to the Dischargers include submittal of a proposed Stormwater Management Plan to reduce the discharge of pollutants in stormwater to the maximum extent practicable and to effectively prohibit non-stormwater discharges into municipal storm drain systems and watercourses within the Dischargers' jurisdiction that they own and/or operate.
6. The permit application submitted by the Dischargers includes STOPPP's Stormwater Management Plan (hereinafter referred to as Plan), that describes a framework for management of stormwater discharges during the term of this permit. The Title Page, Table of Contents, Executive Summary, and Performance Standards of the Plan are attached to this Order. The Plan describes STOPPP's goals and objectives, legal authorities, management structure, and funding, the annual reporting and program evaluations process, approach to watersheds and monitoring, and Performance Standards. The chapters of the Plan include the following elements: a) Municipal Government Maintenance Activities; b) Industrial and Illicit Discharge Controls; c) Public Information and Participation; d) New Development and Construction Controls; and e) Watershed and Monitoring. Appendices include: a) General Program

Work Plans and Budgets for Fiscal Year¹ 1998/99 and 1999/00; b) Performance Standards; and c) List of Municipal Stormwater Ordinances and General Program Agreements.

7. The Plan and modifications or revisions to the Plan that are approved in accordance with Provision C.13 and C.14 of this Order, and future fiscal year Program Work Plans to be submitted in accordance with the Plan and Provision C.5 of this Order and are an integral and enforceable component of this Order.
8. Performance Standards, which represent the level of effort required of each of the Dischargers in the Plan, are contained Appendix B of the Plan. The specification of Performance Standards also simplifies the task of determining if a Discharger is putting forth a level of effort that will control pollutants in stormwater discharges to the maximum extent practicable.
9. Each of the Dischargers is individually responsible for adopting and enforcing ordinances, implementing assigned best management practices (BMPs) to prevent or reduce pollutants in stormwater, and providing funds for capital, operation, and maintenance expenditures necessary to implement such BMPs for the storm drain system that it owns and/or operates. Assigned BMPs to be implemented by each Discharger are listed in the Performance Standards in Appendix B of the Plan. Enforcement actions concerning this Order will, wherever possible, be pursued only against the individual Discharger(s) responsible for specific violations of this Order.
10. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Regional Board's master water quality control planning document. The State Water Resources Control Board and the Office of Administrative Law approved the revised Basin Plan on July 21 and November 13 of 1995, respectively. A summary of the regulatory provisions is contained in Title 23 of the California Code of Regulations at Section 3912. The Basin Plan identifies beneficial uses and water quality objectives for surface waters in the Region, as well as effluent limitations and discharge prohibitions intended to protect those uses. This Order implements the plans, policies, and provisions of the Board's Basin Plan.
11. The beneficial uses of Lower and South San Francisco Bay, the Pacific Ocean, tributary streams, contiguous water bodies, and other water bodies within the drainage basins are listed in the Basin Plan.
12. The Regional Board considers stormwater discharges from the urban and developing areas in the San Francisco Bay Region, including San Mateo County, to be significant sources of pollutants. Furthermore, the Regional Boards finds that there is a reasonable potential that municipal stormwater discharges may cause or contribute to

¹ The fiscal year begins on July 1st and ends on June 30th.

an excursion above water quality standards for: a) copper, nickel, mercury, dioxin-like compounds, DDT, dieldrin, chlordane, and PCBs into Lower and South San Francisco Bay; b) sediment in Pescadero Creek, San Francisquito Creek, and San Gregorio Creek basins; c) diazinon in San Francisquito Creek, San Mateo Creek, and in Lower and South San Francisco Bay.

13. It is not feasible at this time to establish numeric effluent limitations for pollutants in municipal storm water discharges. Instead, the provisions of this permit require implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges.
14. The San Francisco Estuary Project, established pursuant to CWA Section 320, culminated in June of 1993 with completion of its Comprehensive Conservation and Management Plan (CCMP) for the preservation, restoration, and enhancement of the San Francisco Bay-Delta Estuary. The CCMP includes recommended actions in the areas of aquatic resources, wildlife, wetlands, water use, pollution prevention and reduction, dredging and waterway modification, land use, public involvement and education, and research and monitoring. Recommended action which may, in part, be addressed through implementation of the Dischargers' Plan include, but are not limited to, the following:
 - Action PO-2.1: Pursue a mass emission strategy to reduce pollutant discharges into the Estuary from point and non-point sources and to address the accumulation of pollutants in estuarine organisms and sediments.
 - Action PO-2.4: Improve the management and control of urban runoff from public and private sources.
 - Action PO-2.5: Develop BMPs to reduce pollutant loading from energy and transportation.
 - Action LU-1.1: Local General Plans should incorporate watershed protection plans to protect wetlands and stream environments and reduce pollutants in runoff.
 - Action LU-3.1: Prepare and implement Watershed Management Plans that include the complementary elements: 1) wetlands protection; 2) stream environment protection; and 3) reduction of pollutants in runoff.
 - Action LU-3.2: Develop and implement guidelines for site planning and Best Management Practices.
15. It is the Regional Board's intent that this Order shall ensure attainment of applicable water quality objectives and protection of beneficial uses of receiving waters. This

Order therefore includes requirements to the effect that discharges shall not cause or contribute to violations of water quality objectives nor shall they cause certain conditions to occur that create a condition of nuisance or water quality impairment in receiving waters. Accordingly, the Regional Board is requiring that these requirements be addressed through the implementation of BMPs to reduce pollutants in stormwater as provided in Provisions C.1 through C.17 of this Order.

16. The Regional Board considers the Plan to be equivalent to a watershed management plan for the urbanized portions of San Mateo County, as the Plan outlines effective and efficient implementation of appropriate BMPs for the most important sources of pollutants within the watersheds. In addition, this Order will phase in additions to the Dischargers stormwater pollution prevention activities that will address integrated pest management, and, for applicable Dischargers, lagoon management, and rural public works maintenance activities.
17. Federal, state, regional or local, entities within the Dischargers' boundaries, not currently named in this Order, operate storm drain facilities and/or discharge stormwater to the storm drains and watercourses covered by this Order. The Dischargers may lack legal jurisdiction over these entities under the state and federal constitutions. Consequently, the Regional Board recognizes that the Dischargers should not be held responsible for such facilities and/or discharges. The Regional Board's Executive Officer entered into an agreement with the City/County Association of Governments in June 1994 that Regional Board staff will take the lead in regulating stormwater runoff from the following: 1) Publicly Owned Treatment Works, 2) municipal landfills, and 3) the San Francisco International Airport. The definition of separate municipal storm drain facilities in the Federal Stormwater Regulations may result in state or regional entities within San Mateo County, not currently named in this Order, being designated as medium municipalities. Federal agencies are not subject to municipal stormwater requirements although they may be permitted as industrial dischargers.
18. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code, Chapter 3, Section 21100, et. seq.) in accordance with Section 13389 of the California Water Code.
19. The Regional Board will notify interested agencies and persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, Performance Standards, and the Plan, and will provide them with an opportunity for a public hearing and/or opportunity to submit written views and recommendations. The Regional Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations. All submittals required by this Order conditioned with acceptance by the Executive Officer will be subject to these notifications, comment, and public hearing

procedures.

20. The Regional Board has notified the Dischargers and interested agencies and interested persons of its intent to prescribe reissued waste discharge requirements and a reissued NPDES for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
21. The Regional Board, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.
22. It is the intention of the Regional Board that this Order supersedes Order No. 93-106.
23. This Order serves as a NPDES permit, pursuant to CWA Section 402, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator, USEPA, Region IX, has no objection.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The Dischargers shall, within their respective jurisdictions, effectively prohibit the discharge of non-stormwater (materials other than stormwater) into their storm drain systems and watercourses that they own and/or operate. NPDES permitted discharges are exempt from this prohibition. Non-polluted discharges are also exempt from this prohibition. Some examples of non-polluted discharges are landscape irrigation runoff that is not polluted with silt, fertilizer, herbicides or pesticides, non-polluted groundwater pumped discharge and once-through non-contact cooling water which has lost chlorine residual. Compliance with this prohibition shall be demonstrated in accordance with Provision C.12 of this Order. Provision C.12 describe a tiered categorization of non-stormwater discharges based on potential for pollutant content.
2. The discharge of stormwater from a facility or activity that causes or contributes to a violation of Receiving Water Limitations is prohibited.

B. Receiving Water Limitations

1. The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
 - a. Floating, suspended, or deposited macroscopic matter, or foam;

- b. Bottom deposits or aquatic growths;
 - c. Alterations of temperature, sediment load, nutrient load, dissolved oxygen which cause significant adverse impacts to native aquatic biota;
 - d. Visible, floating, suspended, or deposited oil or products of petroleum origin; and/or
 - e. Substances present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption.
2. The discharge shall not cause or contribute to a violation of any applicable water quality standard for receiving waters contained in the California Ocean Plan or the Regional Board's Basin Plan. If different applicable water quality standards are adopted after the date of adoption of this Order, the Board may revise and modify this Order as appropriate.

C. Provisions

1. The Dischargers shall comply with Discharge Prohibition A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions to reduce pollutants in the discharge in accordance with the Stormwater Management Plan (Plan) and other requirements of this permit including any modifications. The Plan shall be designed to achieve compliance with Receiving Water Limitations B.1 and B.2. If exceedance(s) of water quality standards or water quality objectives (collectively WQSs) persist notwithstanding implementation of the Plan, a Discharger shall assure compliance with Discharge Prohibition A.2 and Receiving Water Limitations B.1 and B.2 by complying with the following procedure:
- Upon a determination by either the Discharger(s) or the Regional Board that discharges are causing or contributing to an exceedance of an applicable WQS, the Discharger(s) shall promptly notify and thereafter submit a report to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report may be incorporated in the annual update to the Plan unless the Regional Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Board may require modifications to the report;
 - Submit any modifications to the report required by the Regional Board within 30 days of notification;

- Within 30 days following approval of the report described above by the Regional Board, the Dischargers shall revise the Plan and monitoring program to incorporate the approved modified Control measures that have been and will be implemented, the implementation schedule, and any additional monitoring required;
- Implement the revised Plan and monitoring program in accordance with the approved schedule.

So long as Dischargers have complied with the procedures set forth above and are implementing the revised Plan, they do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional Control measures.

2. In accordance with Provision C.1 and Finding 12, the dischargers shall submit a report to the Regional Board on exceedances of WQS for copper, nickel, mercury, PCBs, dioxin-like compounds, DDT, dieldrin, chlordane, diazinon, and sediment. A draft scope of work acceptable to the Executive officer and outline for the report(s) shall be submitted by September 1, 1999. An interim draft report shall be submitted by March 1, 2000, and a final report shall be submitted by September 1, 2000. The reports shall include (but are not necessarily be limited to):
 - a) Identification of potential sources for pollutants listed above that are found in stormwater discharges;
 - b) Evaluation of effectiveness of BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce the above listed pollutants that may be causing or contributing to the exceedance of WQSS;
 - c) Characterization of representative drainage areas and stormwater discharges, including land-use characteristics, pollutant concentrations, forms, and loadings;
 - d) A pollution prevention and control measures plan for pollutants listed above that is acceptable to the Executive Officer, which assigns responsibilities and establishes time schedules to implement pollutant reduction and control measures beginning no later than July 1, 2001. Upon approval by the Executive Officer, the revised control measures plan shall be incorporated into the Stormwater Management Plan.
3. Stormwater Management Plan: The Dischargers shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The Plan shall serve as the framework for identification, assignment, and implementation of BMPs. The Dischargers shall immediately begin implementing the Plan and shall subsequently demonstrate its effectiveness and provide for necessary and appropriate

revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable and as required by Provisions C.1 through C.17 of this Order.

4. Performance Standards: The Plan incorporates Performance Standards developed by the Dischargers. Performance Standards are intended to define the level of implementation necessary to demonstrate the reduction of pollutants in stormwater to the maximum extent practicable. Through a continuous improvement process, the dischargers will modify and improve current performance standards, as needed, to achieve reduction of pollutants in stormwater to the maximum extent practicable.
5. Annual Reports: The dischargers shall submit an Annual Report, by September 1, of each year, documenting the status of the Program's and the Dischargers' activities during the previous fiscal year, including the results of a qualitative field level assessment of activities implemented by the Dischargers, and the performance of tasks contained in the Plan. The Annual Report shall include a compilation of deliverables and milestones completed as described in the Plan. In each Annual Report, the Dischargers may propose pertinent updates, improvements, or revisions to the Plan, which shall be complied with under this Order unless disapproved by the Executive Officer or acted upon in accordance with Provision C.15. As part of the Annual Report preparation process, each of the Dischargers shall conduct an overall evaluation of the effectiveness of its applicable activities described in the Plan. Direct and indirect measures of effectiveness may include, but are not limited to, conformance with established Performance Standards, quantitative monitoring to assess the effectiveness of BMPs, measurements of estimates of pollutant load reductions, detailed accounting of Program accomplishments, funds expended, and staff hours utilized. Methods to improve effectiveness in the implementation of tasks and activities, including development modification of existing Performance Standards and/or development of new performance standards shall be identified where appropriate.
6. The Dischargers shall submit a Mid-Fiscal Year Report, by March 1 of each year, consisting of draft work plans for the Program for the following two fiscal years. The Executive Officer may also require Discharger-specific work plans from any Discharger who appears to need a more methodical method of planning for and implementing the Performance Standards and other requirements of this Order. The work plans shall consider the status of implementation of current year activities and actions of the Dischargers, problems encountered, and proposed solutions, and shall address any comments received from the Executive Officer on the previous year's Annual Report. The work plans shall include clearly defined tasks, responsibilities, and schedule for implementation of Program actions for the following two fiscal years; these work plans should be similar to those for fiscal years 1998/99 and 1999/00 contained in Appendix A of the Plan. The work plans should also consider the development of new, or modifications of existing Performance Standards.

7. The Program's work plans shall be deemed to be final and incorporated into the Plan and enforceable under this Order as of July 1 of each year unless determined to be unacceptable by the Executive Officer. The Dischargers shall address any comments or conditions of acceptability received from the Executive Officer on the Program's work plans prior to the submission of their Annual Report on September 1 of each year, or at an earlier date if so specified by the Executive Officer, at which time the work plans shall be deemed to be incorporated into the Plan and this Order unless disapproved of by the Executive Officer.
8. Monitoring Program: The Dischargers shall submit, by March 1 of each year, an annual Monitoring Program Plan acceptable to the Executive Officer that supports the development and implementation and demonstrates the effectiveness of their Plan. The Monitoring Program Plan shall be designed to achieve the following objectives:
 - Characterization of representative drainage areas and stormwater discharges, including land-use characteristics, pollutant concentrations, and mass loadings;
 - Assessment of existing or potential adverse impacts on beneficial uses caused by pollutants of concern in stormwater discharges, including an evaluation of representative receiving waters;
 - Identification of potential sources of pollutants of concern found in stormwater discharges; and
 - Evaluation of effectiveness of representative stormwater pollution prevention or control measures.

The Monitoring Program Plan shall include the following:

- a. Provisions for conducting and reporting the results of special studies conducted by the STOPPP or Dischargers which are designed to determine effectiveness of best management practice or control measures, define a Performance Standard or assess the adverse impact of a pollutant or pollutants on beneficial uses.
- b. Provisions for conducting watershed monitoring activities including: identification of major sources of pollutants of concern; evaluation of the effectiveness of control measures and best management practices; and use of physical, chemical, and biological parameters and indicators as appropriate.
- c. Identification and justification of representative sampling locations, frequencies and methods, suite of pollutants to be analyzed, analytical methods, and quality assurance procedures. Alternative monitoring methods in place of these (special projects, financial participation in regional, state, or national special projects or research, literature review, visual observations, use of indicator parameters, recognition and reliance on special studies conducted by other programs, etc.) may be proposed with justification. Alternative monitoring methods may include participation in Bay Area Stormwater Management Agencies Association's Monitoring Programs or Projects.

9. The Dischargers shall prepare and implement additional Performance Standards as follows:
 - a. All of the Dischargers shall develop jointly by June 30, 2000 Performance Standards for integrated pest management for use by the municipalities when they conduct pest control activities, and for public outreach and education. The work plan for FY 2000/01 that will be submitted by March 1, 2000 shall provide for any training and technical assistance needed to help the municipalities begin to implement these Performance Standards.
 - b. The County of San Mateo and the Cities/Towns of Half Moon Bay, Menlo Park, Pacifica, Portola Valley, and Woodside shall develop jointly by June 30, 2000, Performance Standards, annual training and technical assistance needs, and annual reporting requirements for the following rural public works maintenance and support activities: a) management and/or removal of large woody debris and live vegetation from channels; b) streambank stabilization projects; c) road construction, maintenance, and repairs in rural areas to prevent and control road-related erosion; and d) environmental permitting for rural public works activities.
 - c. The Cities of Foster City, San Mateo, and Redwood City shall develop jointly by June 30, 2001 a consistent and complete set of Performance Standards that address proper lagoon design, the use of integrated pest management in place of complete reliance upon herbicide application (including the use of copper containing products as an algaecide), and source control and management of nutrient, sediment, and pathogens.
10. Watershed Management Initiative for San Francisquito Creek: East Palo Alto, Menlo Park, Woodside, Portola Valley, and the County of San Mateo shall develop and implement an erosion control and prevention plan, and a diazinon toxicity reduction plan. A draft scope of work and outline for the report(s) shall be submitted by September 1, 2000. Interim draft report(s) shall be submitted by March 1, 2001, and final report(s) shall be submitted by September 1, 2001. The final report(s) shall include a schedule for implementation of the plan(s). In addition to, and to facilitate the development of the reports specified above, the dischargers shall coordinate with and participate in the development of the watershed assessment and management plan for San Franciscquito Creek watershed and the Santa Clara basin that is being developed through the Santa Clara Basin Watershed Management Initiative.
11. Coastal Watershed Erosion Control and Prevention Strategy: The County of San Mateo shall develop and implement a road and trail erosion control and prevention strategy for Gazos Creek, Pescadero Creek, and San Gregorio Creek basins. A draft scope of work and outline for the technical report(s) shall be submitted by September 1, 2000. An interim draft report shall be submitted by March 1, 2001, and a final report shall be submitted by September 1, 2001. The final report(s) shall include a schedule for implementation of the plan(s).

12. a. Non-Stormwater Discharges (Exempted Discharges): In carrying out Discharge Prohibition A.1 of this Order, the following non-stormwater discharges are not prohibited unless they are identified by the Discharger or the Executive Officer as sources of pollutants to receiving waters:

- flows from riparian habitats or wetlands;
- diverted stream flows;
- springs; and
- rising groundwater.

If any of the above categories of discharges, or sources of such discharges, are identified as sources of pollutants to receiving waters, then such categories or sources shall be addressed as conditionally exempted discharges in accordance with Provision C.12.b.

b. Conditionally Exempted Discharges: The following non-stormwater discharges are not prohibited if they are either identified by the Discharger or the Executive Officer as not being sources of pollutants to receiving waters or if appropriate control measures to eliminate adverse impacts of such sources are developed and implemented under the Stormwater Management Plan in accordance with Provision C.12.c.:

- uncontaminated pumped groundwater;
- dechlorinated swimming pool waters;
- foundation drains;
- water from crawl space pumps;
- footing drains;
- air conditioning condensate;
- irrigation water;
- landscape irrigation;
- lawn or garden watering;
- planned and unplanned discharges from potable water sources;
- water line and hydrant flushing;
- individual residential car washing; and
- discharges or flows from emergency fire fighting activities.

c. The Discharger shall identify and describe the categories of discharges listed in C.12.b that they wish to exempt from Prohibition A.1 in periodic submissions to the Executive Officer. For each such category, the Discharger shall identify and describe as necessary and appropriate to the category either documentation that the discharges are not sources of pollutants to receiving waters or circumstances in which they are not found to be sources of pollutants to receiving waters. Otherwise, the Discharger shall describe control measures to eliminate adverse impacts of such sources,

procedures and Performance Standards for their implementation, procedures for notifying the Board of these discharges, and procedures for monitoring and record management. Such submissions shall be deemed to be incorporated into the Plan unless disapproved by the Executive Officer or acted on in accordance with Provision C.13 and the NPDES permit regulations.

d. Permit Authorization for Exempted Discharges

- i. Discharges of non-stormwater from sources owned or operated by the Discharger are authorized and permitted by this Order, if they are in accordance with the conditions of this provision and the Plan.
 - ii. The Board may require dischargers of non-stormwater other than the Discharger to apply for and obtain coverage under an NPDES permit and comply with the control measures developed by the Discharger pursuant to Provision C.12. Non-stormwater discharges that are in compliance with such control measures may be accepted by the Discharger and are not subject to Prohibition A.1.
 - iii. The Discharger may propose, as part of their annual updates to the Plan under Provision C.5 of this Order, additional categories of non-stormwater discharges to be included in the exemption to Discharge Prohibition A.1. Such proposals are subject to approval only by modification of this permit.
13. It is anticipated that the Plan may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effectively approaches to pollutant control. Requests for changes may be initiated by the Executive Officer or by the Dischargers. Minor changes may be made with the Executive Officer's approval and will be brought to the Regional Board as information items and the Dischargers and interested parties will be notified accordingly. If proposed changes imply a major revision of the Program, the Executive Officer shall bring such changes before the Regional Board as permit amendments and notify the Dischargers and interested parties accordingly.
14. This Order may be modified, or alternatively, revoked or reissued, prior to the expiration date as follows: a) to address significant changed conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order; b) to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan approved by the State Board; or c) to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirement of the CWA then applicable.

15. Each of the Dischargers shall comply with all parts of the Standard Provisions contained in Appendix A of this Order.
16. This Order expires on July 21, 2004. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.
17. Order No. 93-106 is hereby rescinded.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 21, 1999.

A handwritten signature in black ink, reading "Loretta K. Barsamian". The signature is written in a cursive, flowing style.

Loretta K. Barsamian
Executive Officer

Fact Sheet

SAN MATEO COUNTYWIDE
STORMWATER POLLUTION PREVENTION PROGRAM
ORDER NO. 99-059
NPDES PERMIT NO. CAS 0029921

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
1515 CLAY STREET, 14TH FLOOR
OAKLAND, CA 94612

I. Stormwater Program Description

The City/County Association of Governments of San Mateo County, San Mateo County, Town of Atherton, City of Belmont, City of Brisbane, City of Burlingame, Town of Colma, City of Daly City, City of East Palo Alto, City of Foster City, City of Half Moon Bay, Town of Hillsborough, City of Menlo Park, City of Millbrae, City of Pacifica, Town of Portola Valley, City of Redwood City, City of San Bruno, City of San Carlos, City of San Mateo, City of South San Francisco, and the Town of Woodside (hereinafter referred to as Dischargers) have joined together to form the San Mateo Countywide Stormwater Pollution Prevention Program (hereinafter referred to as the Program); and have applied to the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Board) for re-issuance of Waste Discharge Requirements and re-issuance of its National Pollutant Discharge Elimination (NPDES) permit to discharge storm water runoff from the municipal storm drain systems that they own and/or operate, by implementing a Storm Water Management Plan (hereinafter Plan).

The Plan consists of a series of activities designed to implement and evaluate control measures to reduce the discharge of pollutants in storm water runoff to the maximum extent practicable and to effectively prohibit non-storm water discharges into municipal storm drain systems. The activities include actions in the following areas: Program Management; Annual Reporting and Evaluation; Monitoring; Public Information and Participation; Watershed Management; Industrial and Illicit Discharge Controls; and New Development and Construction Controls.

A Tentative Order has been prepared which would re-issue NPDES Permit No. CA0029921 and Waste Discharge Requirements to the Dischargers. The Regional Board will consider adoption of the Tentative Order at a public hearing which will be held on July 21, 1999 at 9:30 AM in the first floor auditorium at the State Building located at 1515 Clay Street in Oakland, CA. The Tentative Order, comments received, and related documents may be inspected and copied at the Regional Board's office. For further information contact Michael Napolitano at (510) 622-2397.

A description of the discharge, general rationale for development and implementation of the storm water management program, and specific rationale for permit prohibitions, receiving water limitations, and provisions follow.

II. Discharge Description and Location

The Dischargers have jurisdiction over and/or maintenance responsibility for storm drains and watercourses that they own and/or operate in San Mateo County (See attached location and political jurisdiction map). The discharge consists of storm water generated in all hydrologic sub-basins which drain into watercourses which in turn flow into Lower and South San Francisco Bay from the east side of the county or to the Pacific Ocean on the west side. The quality of the discharge varies considerably and is affected by hydrologic, geologic, land use, season, and sequence and duration of hydrologic events. The major pollutants of concern expected in the discharge are heavy metals, excessive sediment and nutrient loads, petroleum hydrocarbons, microbial pathogens, and pesticides.

III. General Rationale

1. Water Quality Control Plan, San Francisco Bay Basin, June 21, 1995 (Basin Plan).
2. The Urban Runoff Management, Comprehensive Control Program section of the Basin Plan requires the Dischargers to address existing water quality problems and prevent new problems associated with urban runoff through the development and implementation of a comprehensive control program focused on reducing current levels of pollutant loading to storm drains to the maximum extent practicable. The Basin Plan comprehensive program requirements are designed to be consistent with federal regulations (40 CFR 122-124) and are implemented through issuance of NPDES permits to owners and operators of storm drain systems. The Dischargers, having jurisdiction over and/or maintenance responsibility for municipally-owned and operated storm drains and water courses within their boundaries, have assumed responsibility for complying with the Basin Plan's requirements. The permit recognizes submittal of the Plan as the Dischargers' Comprehensive Control Program and requires implementation of the Plan.
3. The Basin Plan identifies the beneficial uses of waters and establishes water quality objectives necessary to protect these beneficial uses which apply to certain receiving waters within the Dischargers' boundaries. These water quality objectives serve as receiving water limitations for waters that receive discharges of pollutants.
4. The Federal Water Pollution Control Act (Clean Water Act) as amended by the Water Quality Act of 1987 (hereinafter CWA) Section 402(p) requires municipalities of 100,000 population or greater which have discharges from municipal separate storm sewer systems to obtain NPDES permit coverage for these discharges. Permits are also required for discharges that are determined to contribute to a violation of a water

quality standard (objective) or are a significant contributor of pollutants. Section 402(p) provides that permits may be issued on a system-wide basis, shall include a requirement effectively prohibiting non-storm water discharges to storm sewers, and shall require controls to reduce the discharge of pollutants to the maximum extent practicable. The United States Environmental Protection Agency (hereinafter US EPA) promulgated regulations on November 16, 1990 on NPDES permit application requirements including the development of storm water management programs for municipal storm water discharges. The Dischargers' application and permit satisfy the intent of the Section 402(p) requirements.

5. Federal Code of Regulations, Title 40 – Protection of Environment, Chapter 1, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-125 (hereinafter referred to as 40 CFR specific Part number) contain promulgated regulation pertaining to the NPDES application permit conditions and program requirements.

IV. Specific Rationale

1. Discharge Prohibition A.1 and A.2: These prohibitions reflect the CWA Section 402(p) requirement of effectively prohibiting non-storm water discharges to storm sewers. Effectively prohibiting means that non-storm water discharges shall be specifically regulated by an NPDES permit or that the discharge is not considered waste or does not contain constituents of concern, in which case an NPDES permit would not be required.
2. Receiving Water Limitations B.1 and B.2: The receiving water limitations are the applicable water quality objectives and standards contained in the Basin Plan. Freshwater objectives apply to rivers, creeks, and other freshwater bodies within the basin. Marine water quality objectives apply to the Pacific Ocean, Lower and South San Francisco Bay, and the portions of the Bay's tributaries where the salinity of the water is suitable for marine aquatic life.
3. Provision C.1: This provision states the essential theme of the permit that the Dischargers are expected to demonstrate compliance with Discharge Prohibition A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures, management practices, and other actions to reduce pollutants in discharges in accordance with their Plan. This standard of treatment is prescribed in 40 CFR 122.26(d)(2)(iv). If the Regional Board or Discharger(s) determine that the discharges are causing or contributing to an exceedance of an applicable water quality standard, the Discharger(s) need to submit a report describing what BMPs are currently being implemented and what additional BMPs will be implemented to reduce the pollutants that are causing or contributing to the exceedance of water quality standards. Preparation, implementation, and iterative improvement of an effective Plan are thus, the essential means of achieving and evaluating compliance.

4. Provision C. 2: The Regional Boards has found that there is a reasonable potential that municipal stormwater discharges may be causing or contributing to an excursion above water quality standards for: a) copper, nickel, mercury, dioxin-like compounds, DDT, dieldrin, chlordane, and PCBs into Lower and South San Francisco Bay; b) sediment in Pescadero Creek, San Francisquito Creek, and San Gregorio Creek basins; and c) diazinon in San Francisquito Creek, San Mateo Creek, and Lower and South San Francisco Bay (Finding 12). Therefore the dischargers are legally required to submit a report that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce the above listed pollutants that may be causing or contributing to the exceedance of WQSs (see provision C.2 for specific requirements for reporting). This provision is a narrative water quality-based effluent limitation that will ensure that the discharges do not cause or contribute to impairment of these water bodies.
5. Provision C.3 and C.4: These provisions require the implementation of the Dischargers' Plan and Performance Standards and essentially incorporate the Plan, including the Performance Standards, into the permit, thus making its implementation enforceable. It also establishes, in conjunction with Provision C.1, the Plan and Performance Standards as the focal points of the permit. As such, the Plan, including the Performance Standards, is considered a living document that will change and improve with time. Specifically, all other plans required by the permit are expected to be incorporated into the Plan.
6. Provision C.5 through C.7: These provisions require submittal of Annual and Mid-Fiscal Year Reports. The information required in the Annual and Mid-Fiscal Year Reports is equivalent to that required in storm water regulations pursuant to 40 CFR 122.41(I) and the Basin Plan. The elements of the Annual and Mid-Fiscal Year Reports will ensure that programs and performance standards are developed and implemented and will allow evaluation of compliance with permit conditions. The Annual Report also provides a focus to review, update, or revise the Plan on an annual basis. Provision C.5 establishes a process for submittal of two-year Work Plans by the Dischargers that detail specific tasks and actions to be implemented on a fiscal year basis.
7. Provision C.8: This provision requires the annual submittal and implementation of a Monitoring Program Plan in accordance with 40 CFR Parts 122.44(I) and 122.48 which demonstrates the effectiveness of the Plan and accordingly, demonstrates compliance with the conditions of the permit. Rather than requiring specific types, locations, and frequencies of monitoring activities, this provision establishes objectives for implementing the Monitoring Program Plan. This is intended to provide flexibility and efficiency in determining specific monitoring activities while establishing a basis for determining effectiveness of monitoring activities.

8. Provision C.9: This provision establishes a time schedule for the Dischargers to develop and implement additional performance standards for integrated pest management for use by the municipalities when they conduct pest control activities, and for public outreach and education. Regional Board staff have found that the pesticide diazinon is a pollutant of concern in urban creeks in the Bay Area.

This provision also requires that selected municipalities with maintenance responsibilities in more rural areas to develop and implement performance standards for rural public works maintenance activities. Four of the selected municipalities are located in the watershed of San Francisquito Creek, which the State and Regional Boards have listed as impaired by sedimentation. All of the municipalities listed contain water bodies that support steelhead trout, which are Federally, listed as threatened. Pescadero Creek, San Gregorio Creek, and Gazos Creek basins in unincorporated portions of San Mateo County are listed as top priority basins for restoration of coho salmon which are State-listed as endangered and Federally listed as threatened. Pescadero Creek and San Gregorio Creek are also listed by the State and Regional Boards as impaired by sedimentation.

This provision also requires that the three municipalities that operate lagoon systems develop jointly performance standards for lagoon management. One of the problems associated with the operation of lagoons is the use of copper containing products as an algaecide. This provision also reflects the Regional Board staff's efforts to integrate the requirements of the Coastal Zone Act Reauthorization Amendments and the goals of the San Francisco Bay Estuary Project's Comprehensive Conservation and Management Plan's goals into storm water NPDES permits.

9. Provision C.10: This provision requires that municipalities within the San Francisquito Creek basin develop and implement an erosion control and prevention plan and a diazinon toxicity reduction plan in response to the listing of San Francisquito Creek basin as impaired by sediment and diazinon.
10. Provision C.11: Pescadero Creek, San Gregorio Creek, and Gazos Creek basins in unincorporated portions of San Mateo County are listed as top priority basins for restoration of coho salmon which are State-listed as endangered and Federally listed as threatened. Pescadero Creek and San Gregorio Creek are also listed by the State and Regional Boards as impaired by sedimentation. Excess sedimentation is thought to be an significant factor that is limiting the survival and reproduction of coho salmon and steelhead trout in each of the above named basins. Therefore the County of San Mateo is required to develop and implement a road and trail erosion control and prevention plan.
11. Provision C.12: This provision requires identification of discharges of the non-prohibited types that the Dischargers wish to exempt from Prohibition A.1. For conditionally exempted discharges which are pollutant sources, the Dischargers shall identify and incorporate into the Plan control measures to minimize the adverse

impact of such sources. This provision also establishes a mechanism to authorize under the permit non-storm water discharges owned or operated by the Dischargers.

12. Provisions C.13 and C.14: The permit conditions have been designed to allow maximum flexibility in developing and implementing programs. The permit conditions may need to be modified as new information is developed and the permit programs mature to address changed conditions. Modifications to the permit will be made pursuant to 40 CFR Parts 122.62, 122.63, and 124.5.
13. Provision C.15: Standard provisions are based on 40 CFR Part 122.41. They include a duty to comply with the conditions of the permit, a duty to provide information, inspection rights by the Regional Board, signatory requirements, certification of documents, reporting requirements, and penalties for violation of permit conditions.
14. Provisions C.16 and C.17: NPDES permits shall be effective for a fixed term not to exceed five years pursuant to 40 CFR 122.46. Upon revision the previously issued permit, Order No. 93-106, is rescinded.

V. Written Comments

Interested persons are invited to submit written comments on the revised Tentative Order. Comments must be received in the Regional Board Offices by **5 PM on July 9, 1999** or they will not be considered.

Comments should be sent to:

Regional Water Quality Control Board
1515 Clay Street, 14th Floor
Oakland, California 94612
ATTN: Mike Napolitano

Or

FAX: (510) 622-2460
e-mail: mbn@rb2.swrcb.ca.gov